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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,582	06/27/2003	Mikio Yamamuro	008312-0304517	5806
909	7590	12/29/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			PHAM, VAN T	
			ART UNIT	PAPER NUMBER

2656

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/607,582

Applicant(s)

YAMAMURO, MIKIO

Examiner

VAN T. PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 2002-189947, filed on 06/28/2002.

***Information Disclosure Statement***

2. The information disclosure statement filed 6/27/2003 (JP 59-9086) fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

***Drawings***

3. Fig. 3 is objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features "sets the potential to a second reference potential affected by a noise component in the transmission line", "a third reference potential having the same potential as the of the first reference potential" and "a third reference potential connected to the first reference potential" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

4. Fig. 2 is objected to because the P3 (third reference potential) must be labeled.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-12 rejected under 35 U.S.C. 102(b) as being anticipated by Toshiba (JP 2002-074663).

Regarding claim 1, Toshiba (JP 2002-074663), see Figs. 1-2, discloses a detecting device comprising: a transmission line (see Fig. 2, element 41); an optical pickup (see Fig. 2, element 5) which connecting the transmission line and having a photo-detecting element (see Fig. 2, elements 24(a-d)), the optical pickup receives a first reference potential from a transmission line (see Fig. 2, the signal Vref), sets the potential to a second reference potential affected by a noise component in the transmission line (see Figs. 2-3), generates a detection signal from the photo-

detecting element on the basis of the second reference potential, and outputs the detection signal and the second reference potential through the transmission line (see Fig. 3, signal Vref); and a differential amplifier which receives the detection signal and the second reference potential from the optical pickup through the transmission line, and outputs potential difference between the detection signal and the second reference potential (see Fig. 3, element 44 and signal VRF).

Regarding claim 2, see Fig. 3 discloses a detecting device according to claim 1, wherein the differential amplifier (see Fig. 3, element 44) is operated on the basis of a third reference potential having the same potential as that of the first reference potential (see Fig. 3).

Regarding claim 3, see Fig. 3 discloses a detecting device according to claim 1, wherein the differential amplifier is operated on the basis of a third reference potential connected to the first reference potential.

Regarding claim 4, see Fig. 3 discloses a detecting device according to claim 1, wherein the differential amplifier has a main portion, which generates the first reference potential (see Fig. 1, elements 4, 8, 13, 16, 18, and 27-28).

Regarding claim 5, see rejection above of claim 1.

Regarding claims 6 and 10, see rejection above of claim 2.

Regarding claims 7 and 11, see rejection above of claim 3.

Regarding claims 8 and 12, see rejection above of claim 4.

Regarding claim 9, see rejection above of claim and Toshiba further comprises a focusing control circuit (see Fig. 1, element 27) which generates a focusing control signal for moving an objective lens (see Fig. 1, element 10), which condenses the laser beam on the optical disk (see Fig. 1, element 1), in a direction of an optical axis on the basis of an output from the differential

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amplifier (see Fig. 1, elements 27 and OP2); and a tracking control circuit which generates a track driving signal for moving the objective lens in a direction crossed at right angles with the optical axis on the basis of the output from the differential amplifier (see Fig. 1, element 28).

*Cited References*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to

- a. A tracking servo control device and, to a tracking servo control device in use for an information recording/reproduction apparatus (Yokota US 4,408,314).
- b. An amplitude difference between a reproduction signal from a preformat portion of an optical disk and reproduction signal from a recording portion of user's data is obtained (Isaka et al. US 5,124,967).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HOA T. NGUYEN can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP

HOA T. NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600  
12/27/05